

REMARKS

Formal Matters

Applicant appreciates the Examiner's acknowledgement of receipt of the amendments received on October 24, 2005.

Claims 1-6 and 18-20 are pending in the application. Claims 1, 7, 16, 18 and 19 are amended herein. Applicant herein amends independent claims 1 and 7 to include the limitation that the selection of the image is done depending on the attribute data in the database. Support for this amendment can be found on page 1, lines 19-23. Claims 16 and 19 are amended to reflect the recitation of attribute data in claim 1; claim 18 is amended to correct an inadvertent error.

Rejection of Claims 1 –16 and 18-20 under 35 U.S.C. §102

Claims 1-16 and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Roewer, U.S. Patent No. 5,734,915. This rejection should be withdrawn based on the comments and remarks herein.

As stated above, applicant herein amends independent claims 1 and 7 to include the limitation that the selection of the image is done depending on the attribute data in the database. This amendment stems, in part, from the Interview between Examiner Bonshock and applicant's representative on October 6, 2005, in which it was agreed that the manner in which selection of representative pictorials (image data) occurs in the user interface could be further pointed out. Thus, in the recited claims, the image data is selected by the user interface. Hence, the present application works without operator intervention for selecting image data.

By contrast, Roewer teaches, in column 8, line 66, an operator loading a patient's image data from a local database. Thus Roewer discloses a process which requires operator or user

interaction to obtain a given result, that of a patient's image data being loaded from a local database.

Applicant's invention includes at least one novel and nonobvious feature, the selection of the image data depending on the attribute data, patentably distinguishing independent claims 1 and 7 from the prior art. In a rejection under Section 102, to be proper, each and every element of the claim must be found in a single reference. Because such is clearly not the case here, this rejection should be withdrawn.

Claims 2-6 and 8-20 depend from independent claim 1 thus incorporating the novel and nonobvious steps of their base claim and are, therefore, patentably distinguishable over the prior art for at least the reason that their base claim is patentably distinguishable over the prior art. Thus, applicant respectfully requests that this rejection of claims 1-16 and 18-20 be withdrawn.

Rejection of Claim 21 under 35 U.S.C. § 103

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roewer, cited above, and Evans, U.S. Patent No. 6,347,329. This rejection should be withdrawn based on the comments and remarks herein.

For at least the following reasons, Applicants' claimed invention is neither anticipated by nor obvious from Roewer et al. in view of Evans. By way of example, independent claim 1 includes the feature that the selection of the image data depends on the attribute data, and claim 21 depends from claim 20 which depends from independent claim 1, incorporating all features and limitations therein.

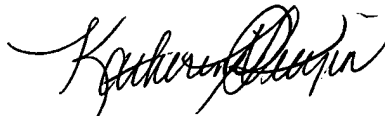
Neither Roewer et al. nor Evans discloses or suggests the selection of the image data depending on attribute data. Thus, combining these references would not overcome this deficiency and would not disclose the invention as claimed in amended independent claim 1, and

dependent claim 21. It is submitted to be axiomatic that in order for a claimed invention to have been obvious under 35 U.S.C. 103, as a minimum, the combination proposed by the Examiner must result in that which is claimed. For the reasons above, it is submitted that the combinations and modifications as proposed by the Examiner with regard to the references do not result in that which is claimed and accordingly the rejection of claim 21 should be reversed.

Conclusion

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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